

***Doherty Law Offices***

Henry T. Doherty III  
Philip J. Doherty\*  
Kenneth P. Doherty\*  
Attorneys at Law

\* Also member of NH Bar

73A Winthrop Ave.  
Lawrence, Massachusetts 01843

(978) 687-7700  
FAX (978) 688-7351  
T.I.N 04-2654864

December 8, 2010

David Tobin, Esq.  
United States Attorney's Office  
District of Massachusetts  
One Courthouse Way, Suite 9300  
Boston, Ma. 02210

**Re:     *United States vs. Jose L. Baez***  
***Criminal No. 10-10275-DPW***

Dear Mr. Tobin:

Please be advised that I am writing to make an *initial* request for the following discovery pursuant to Local Rule 116.3(A).

In the materials provided thus far, it is apparent that there are at least three (4) video surveillance recordings in the possession of the government related to the April 29, 2009 and July 31, 2009 fires (Jamaica Plain Auto Body and Back Bay Dental Care, respectively). I assume these were recorded onto DVD/CD format and can be copied onto a disc for discovery purposes. I understand that the recordings were obtained from the Hess gas station, El Oriental De Cuba Restaurant, Boston University and a rear alley behind 21 Bay State Road (Back Bay Dental). In the event they cannot be copied, kindly contact me with a date and time that they can be viewed.

In addition to the forgoing request, I am also seeking information relative to the use of the global positioning ("GPS") tracking device that was attached to the two automobiles owned by the defendant from August 27, 2009 through August 9, 2010. Specifically, any and all reports and/or logs generated by the devices including, but not limited to, any tracking results or information stored on ATF Special Agent Brian Oppedisano's computer used in conjunction with the GPS tracking devices. It is my understanding that Special Agent Oppedisano used an internet-based computer application to retrieve and store GPS related tracking information over the course of approximately one year in this matter. In addition to

the information it provided that resulted in the arrest of the defendant, it also appears that some of the locations visited and searched by agents were discovered as a result of the GPS tracking devices used over that one year period.

I have no reciprocal discovery at this time.

Please call me if you have any questions or comments about these requests. Thank you for your anticipated cooperation in this matter.

Very Truly Yours,

*/s/ Philip J. Doherty*  
Philip J. Doherty

cc: Clerk, United States District Court (by ECF)

